HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.912/2007

PETITIONER Hulas Prasad Sahu
S/o Madan Lal Sahu,
Aged about 23 years,
R/o Village Parsada, P.S. & Tahsil Abhanpur, District Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through, The Secretary
Department of Panchayat,
D.K.S. Bhawan, Raipur (C.G.)

2. Director,
Panchayat, of State of Chhattisgarh,
Raipur , District Raipur (C.G.)

3. Ku. Gajjobi Kuraishi,
D/o Shri Daud Khan Kuraishi, aged about -, R/o Village Parsada , P.S. & Tahsil Abhanpur, District Raipur (C.G.)

4. The Collector,
District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri C.R. Sahu, Counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents No.1, 2 & 4 on advance copy.

Shri Satyendra Sahu, Counsel for respondent No.3 on Caveat Petition No.105/2007.

ORAL ORDER
(09.08.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

(58)

The brief facts are that respondent No.3 namely Ku. Gajjobi Kuraishi filed a Writ Petition (S) No.4754/2006 before this Court challenging the appointment of the petitioner made on the post of *Shiksha Karmi* Grade-III in Vidya Mandir Parsada, Block Abhanpur, District Raipur. The contention of respondent No.3 was that the appointment of the petitioner on the post of *Shiksha Karmi* Grade-III in the said Government aided school namely Vidya Mandir Parsada, Block Abhanpur, District Raipur was done without following amended provisions of the *Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Service) Rules, 1997* and thus, her case was not considered for the said appointment. She had contended that the Chief Executive Officer has also pointed out the said defect in his letter dated 17/8/2006 (Annexure P/1 of the said petition) addressed to the Collector, Raipur, but no action was taken by the Collector.

When this petition came up for hearing, she withdrew the petition with a liberty to approach the Collector for redressal of her grievance, which was permitted by this Court and the said petition was disposed of by order dated 4th September 2006. Thereafter, the Collector considered the matter vide Miscellaneous Case No.8/B/121/year 2006-2007 and passed the order dated 24th October 2006. After due enquiry and after perusal of the provisions of said Rules of 1997, the Collector recorded a finding that the experience of teaching gained in government schools and in *Jan Bhagidari* schools, both are to be recognized and as far as legality of experience certificates are concerned, the decision of the concerned Janpad Panchayat (for *Shiksha Karmi* Grade-III) shall be final. Therefore, it was held that the Managing Committee of Vidya Mandir committed an error by cancelling the experience certificate of respondent No.3 and on this ground, the selection made on the said post cannot be sustained. The Collector clearly recorded a finding that the correct procedure has not been adopted in the impugned appointment of *Shiksha Karmi* Grade-III, therefore, the said appointment was cancelled by the Collector and the representation filed by respondent No.3 was allowed. Holding so, the Collector remanded the matter with the following direction:

(59)

" प्रकरण इस निर्देश के साथ लौटाया जाता है कि पूर्व में प्राप्त आवेदन पत्रों को ही चयन समिति द्वारा पुनः परीक्षण किया जाकर अनुभव खेलकूद एवं अन्य प्रमाण पत्रों के आधार पर उम्मीद्वारों को नियमानुसार अंक प्रदान कर चयन प्रकिया की कार्यवाही शिक्षाकर्मी भर्ती नियमों के अनुरुप संपादित करें।"

Arguments of the parties heard.

The concerned Rules and contents of the order passed by the Collector perused.

After perusal of the order passed by the Collector with reference to the Rules referred to above, I do not find any infirmity in the said order warranting interference by this Court.

The Collector has taken a correct view and has rightly issued a direction to complete the selection process by following the procedure prescribed in the said Rules.

The petition has no merit and the same is accordingly dismissed.

In view of the above, Caveat Petition No. 105/2007 stands discharged.

Sd/-
Sunil Kumar Sinha
Judge

Shyna